

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Richard Lee Oprenchak, Jr.,

Civil No. 11-CV-425 (PJS/TNL)

Plaintiff,

v.

**ORDER**

American Family Mutual Insurance  
Company, and its affiliates and  
subsidiaries,

James R. Andersen, Branch Manager,  
individual

Don Johnson, State Operations Manager,  
individual,

and

Jane Spindler,  
AVP East Region, individual,

Defendants.

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Richard Lee Oprenchak, Jr., 10215 32nd Avenue North, Plymouth, MN 55441.

David P. Jendrzek, Marcy R. Frost, and Taylor D. Tarvestad-Sztainer, Moss & Barnett, PA, 90  
S 7th Street, Suite 4800, Minneapolis, MN 55402.

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N.  
Leung dated March 26, 2012 (Docket No.30), along with all the files and records, and no  
objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that  
Defendants' Amended Motion to Dismiss the Complaint (Docket No. 12; see also

Docket No. 8) is **GRANTED IN PART** and **DENIED IN PART**; and this matter is  
**DISMISSED WITHOUT PREJUDICE.**

Date: 04/13/12

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge